

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

JUN 23 2007

Case No. 5675
Date Filed _____
Hearing Date _____
Receipt _____
Fee \$400

Shaded Areas for Office Use Only

Type of Application

- ☒ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code _____

CASE 5575 MAP 69 TYPE Special Exception

ELECTION DISTRICT 01 LOCATION 415 Gilmer Rd. Joppatowne, MD

BY Catherine Gray

Appealed because a special exception pursuant to Sec. 267-53F (8) of the Harford
County Code to permit a personal-care boarding home in the R3 District requires
approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Catherine L. Gray Phone Number 410-679-1751
Address 415 Gilmer Rd. Joppa, Md 21085
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property

415 Gilmore Rd
Joppa, Maryland 21085Subdivision JoppatowneLot Number 7Acreage/Lot Size 10.612 SFElection District 01Zoning R3Tax Map No. 69Grid No. 1BParcel 135Water/Sewer: Private ☐Public ☒

List ALL structures on property and current use:

House

Estimated time required to present case:

30 Min.

If this Appeal is in reference to a Building Permit, state number

No

Would approval of this petition violate the covenants and restrictions for your property?

NoIs this property located within the County's Chesapeake Bay Critical Area? Yes ☐No ☒

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes ☐No ☒Is this request within one (1) mile of any incorporated town limits? Yes ☐No ☒**Request**Operation of Personal Care HomeDesire 5 Residents**Justification**I have been caring for the elderly & mentally
challenged for the past four years. I enjoy
my work, giving structure and assistance to a
challenged person brings me a feeling of justification.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

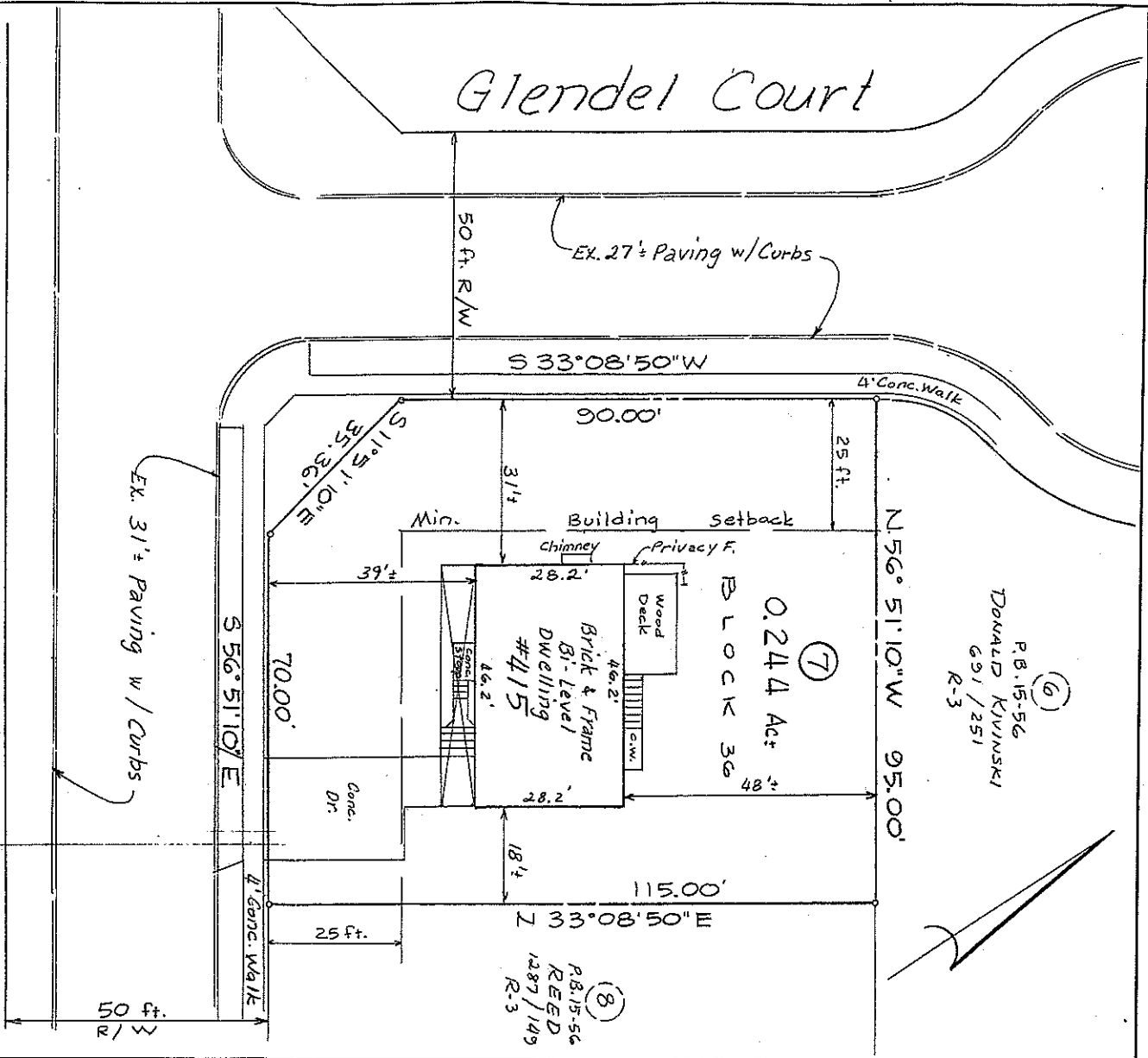
Boat
5775

Gilmor Road

Glendel Court

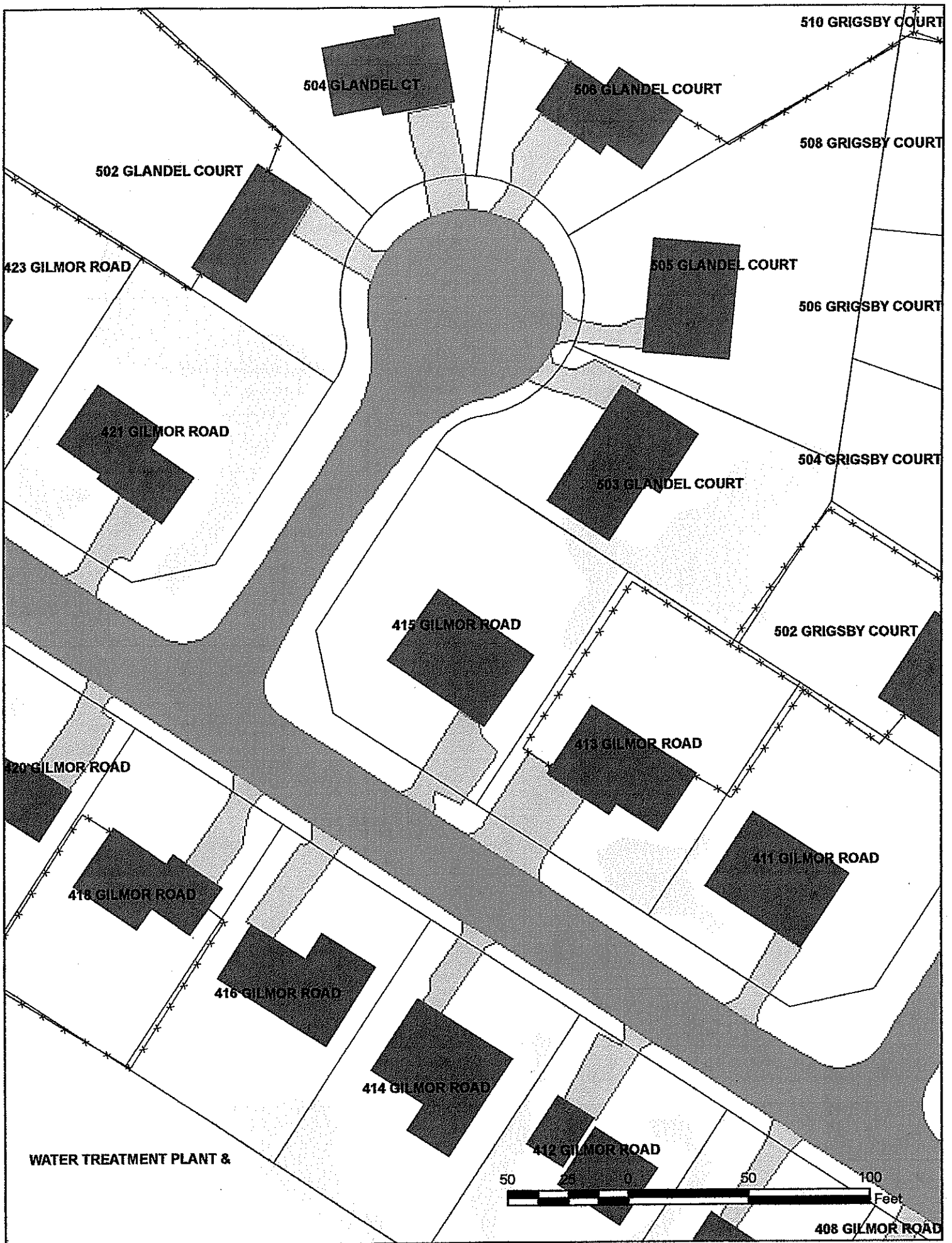
EX. 27 1/2 Paving w/ Curbs

EX. 31 1/2 Paving w/ Curbs



P.B. 15-56
DONALD KIVINSKI
621 / 251
R-3

P.B. 15-56
REED
1287 / 149
R-3



DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE

LORRAINE COSTELLO
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

February 8, 2007

STAFF REPORT

BOARD OF APPEALS CASE NO. 5575

APPLICANT/OWNER: Catherine L. Gray
415 Gilmor Road, Joppa, Maryland 21085

REPRESENTATIVE: Applicant

LOCATION: 415 Gilmor Road – Joppatowne/Section IV
Tax Map: 69 / Grid: 1B / Parcel: 135 / Lot: 7
Election District: First (1)

ACREAGE: 10,612 Square feet

ZONING: R3/Urban Residential District

DATE FILED: January 18, 2007

HEARING DATE: March 14, 2007

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Operation of Personal Care Home. Desire 5 Residents."

Justification:

"I have been caring for the elderly and mentally challenged for the past four years. I enjoy my work, giving structure and assistance to a challenged person brings me a feeling of justification."

Preserving Harford's past; promoting Harford's future

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Board of Appeals Case Number 5575

Catherine Gray

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CODE REQUIREMENTS:

The Applicant is requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to permit a Personal Care Boarding Home in the R3 Urban Residential District.

Section 267-53F(8) of the Harford County Code reads:

- (8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*
- (a) *The proposed use shall be located in a single-family detached dwelling.*
 - (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*
 - (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*
 - (d) *Adequate off-street parking shall be provided.*
 - (e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Section 267-91 of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the southwest area of the County in the community of Joppatowne. The property is a corner lot and is located on the northeast side of Gilmor Road and the southeast side of Glendel Court. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 1 and 2).

The subject property is located within the Development Envelope. The predominant land use designations in this area of the County are Low, Medium and High Intensities. The Natural Features Map reflects Stream Systems, Sensitive Species Project Review Areas, Habitats of Local Significance, and Chesapeake Bay Critical Area. The subject property is located near the Neighborhood Center of Joppatowne. The Applicant's property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

***Medium Intensity** - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 3 and 4).

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Land Use – Existing:

The existing land uses conform to the overall intent of the Master Plan. Joppatowne was originally created as a Planned Residential Development (PRD) in the early 1960's. Residential uses include single family detached dwellings, garden apartments, townhouses, semi detached dwellings and condominiums. Commercial uses range from single retail establishments, shopping centers, personal and professional service uses, automotive related uses and restaurants. There are also churches, library, schools, and parks in the area. The topography of this area of the County ranges from level to rolling. Enclosed with the report are a copy of the aerial photograph and topography map (Attachments 5 and 6).

The subject lot is a corner lot with frontage on Gilmor Road and Glendel Court. The lot is square in shape and approximately 0.244 acres in size. The topography of the property is level to gently sloping. Improvements consist of a brick and frame bi-level dwelling with an attached 1-car garage in the lower level that faces Gilmor Road. Other improvements consist of a concrete driveway and parking pad, a deck on the rear upper level and a concrete patio. The lot contains mature trees and shrubbery. Site photographs along with an enlargement of the aerial photograph are enclosed with the report (Attachments 7 and 8).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning in this area range from R1 to R4/Urban Residential Districts. Commercial zoning includes B2/Community Business and B3/General Business Districts. The subject property is zoned R3/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 9).

SUMMARY:

The Applicant is requesting a Special Exception pursuant to Section 267-53F(8) of the Harford County Code to permit a Personal Care Boarding Home in the R3 Urban Residential District.

Section 267-53F(8):

- (8) *Personal-care boarding homes. These uses may be granted in the AG, RR, R1, R2, R3, R4, RO, VB, and VR Districts, provided that:*

The subject property is zoned R3/Urban Residential District.

- (a) *The proposed use shall be located in a single-family detached dwelling.*

The use will be located in a single-family dwelling.

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- (b) *The proposed use meets the minimum lot size requirements for a conventional single-family residence in the district where located.*

The minimum lot area for a single family lot in the R3/Urban Residential District is 7,500 square feet. The lot is 10,628.6 square feet in size.

- (c) *A maximum density of one (1) boarder per two thousand (2,000) square feet of lot area shall be maintained.*

The Applicant is requesting approval for 5 residents which would be 10,000 square feet. That is in addition to the Applicant and family residing in the dwelling. The Applicant informed the Department on September 25 at a pre-application meeting that she was residing in the dwelling and presently had 4 patients or residents. She stated at that meeting that she had 5 bedrooms and the patients were residing on the upper level and she was living in the lower level of the dwelling.

Due to the size of the property and limitations of parking the Department is recommending that only 4 residents be approved.

- (d) *Adequate off-street parking shall be provided.*

The existing driveway and parking pad would allow for 2 unobstructed parking spaces. The Applicant would be required to provide a minimum 4 unobstructed spaces. There does not appear to be any additional area in front of the house to create additional spaces. Therefore, additional parking will be required in an area to the rear of the dwelling. The additional area from Glendel Court would require landscaping/screening from the dwelling to the rear. The additional access from Glendel Court must be approved by the Department of Public Works.

- (e) *Where an application is for construction of a new dwelling, the dwelling shall be similar in appearance to other single-family dwellings in the neighborhood.*

Not applicable.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

Due to the size of the property and the limitations for providing adequate off street parking, the number of residents should be limited to 4.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

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The proposed personal care bordering home will not generate a significant amount of additional traffic.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed use is designed to serve the needs of the growing elderly population within the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposal should not have an adverse impact regarding any of the items listed above.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Joppa Volunteer Fire Department will provide service to the property. The project is served by public water and sewer service. The Applicant will be required to arrange for trash collection with a private hauler.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is consistent with accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

There are several Churches, schools and County park facilities in the immediate area. The request will not have an adverse impact on any of these uses.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

There will be no impact to sensitive environmental features.

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(10) *The preservation of cultural and historic landmarks.*

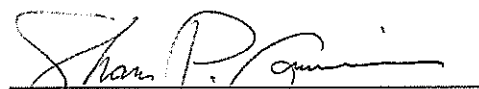
Not applicable to the request.

The Health Department provided comments in a letter dated January 29, 2007. A copy of this letter is attached with the report (Attachment 10).

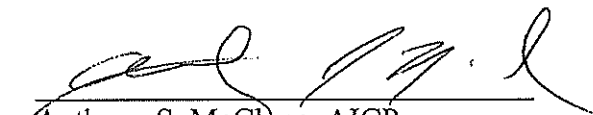
RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicant shall submit a detailed site plan to be reviewed and approved thru the Development Advisory Committee. The site plan shall show a minimum of 4 parking spaces and landscaping around the parking area.
2. The Applicant shall obtain all necessary approvals and permits from the Department of Public Works for the access from Glendel Court to serve the parking area.
3. The Applicant shall obtain all necessary State and County permits to operate the Personal Care Boarding Home.
4. The Applicant shall be limited to 4 boarders at this location.



Shane Grimm, Chief
Site Plan and Building Permits Review



Anthony S. McClane, AICP
Deputy Director, Planning and Zoning

DJS/ASM/jf